

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 7
:
SILVIA YOVTICHEVA :
:
:
DEBTOR : BKY. NO. 17-17779-amc

MOTION OF TRUSTEE FOR TURNOVER PURSUANT TO 11 U.S.C. §542

Terry P. Dershaw, Esquire (“Trustee”), the Chapter 7 Trustee for the Estate of Silvia Yovtcheva (“Debtor”), by and through his counsel, Fox Rothschild LLP, respectfully requests the entry of an Order directing the turnover of life insurance benefits, of which the Debtor is the beneficiary, pursuant to 11 U.S.C. §542. In support thereof, the Trustee respectfully submits as follows:

1. This Motion is brought pursuant to 11 U.S.C. §542.
2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1134.
3. This is a “core proceeding” within the meaning of 28 U.S.C. §157(b)(2)(E).
4. On November 15, 2017, the Debtor filed a Voluntary Petition for relief under chapter 7 of title 11 of the United States Bankruptcy Code.
5. Terry P. Dershaw was appointed as Trustee, which appointment remains in effect, and is the Movant herein.
6. This turnover request is made upon Respondents, Voya Life Claims (“Voya Life”), Voya Financial, and Reliastar Life Insurance Company (Reliastar”).
7. The investigation of the Trustee disclosed that the Debtor is the owner and beneficiary of a life insurance policy of Serigne Thioune (“Policy”), who passed away on January 23, 2018.
8. The Policy was issued by Reliastar and has a face amount of \$250,000.00.

9. On March 26, 2018, demand was made upon Voya Life, the maker of the Policy, for the turnover of the benefits, which is property of the Estate. A copy of the letter to Voya Life is attached hereto as Exhibit “A.”

10. No response has been received by the Trustee or his counsel to the request for payment.

11. 11 U.S.C §542(a) requires any entity in possession or control of property of the Estate to deliver such property to the Trustee.

WHEREFORE, the Trustee prays for the entry of the attached, proposed Order directing the turnover of all insurance benefits due the Debtor, as beneficiary, to the Trustee, and for such other and further relief as is just.

FOX ROTHSCHILD LLP

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